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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HARVEY, DIONNE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/976,575	Applicant(s) SAALMAN, STEVE	
	Examiner Dionne N Harvey	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 17-20 is/are allowed.
- 6) ☐ Claim(s) 1-5, 8-10-12 and 16 is/are rejected.
- 7) ☐ Claim(s) 6, 7 and 13-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line 5 of claim 4 recites "recharge poles located on the first upper side for allowing the audio transmitter to be electrically energized from at least one battery." According to page 11, lines 17-25 of the Applicant's specification, the recharge poles of the transmitter are for energizing the remote receiver, not the audio transmitter. Clarification and/or correction are required.
2. Claim 4 recites the limitation "the transmitter cradle portion" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2643

3. Claims 1-3, 8-10-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lansang (US 5,794,127)** in view of **Ohara (US 5,189,517)**.

Regarding claim 1, in **figure 2**, Lansang teaches an audio transmitter and remote receiver apparatus, comprising: an audio transmitter **(4)** for disposition adjacent electronic equipment **(2)**; Lansang illustrates a wired connection between the transmitter device **(4)** and television **(2)**, since the Applicant has failed to include distinguishing structural limitations with regard to the "audio detection portal", the input aperture at which the wire is connected to the transmitter device is interpreted by the Examiner as reading on "an audio detection portal"; and an audio transmitter antenna (**shown**) for transmitting audio signals to a location removed from the electronic equipment; Shown in **figure 1**, Lansang teaches a headset remote control unit receiver, the housing of which has been broadly interpreted as providing a "case" for internal electronics; the internal electronics such as volume controls **16**, channel selectors **14**, battery **30**, and entertainment selector **22**, all cooperate to provide circuitry for remotely controlling the electronics device, thereby reading on "a remote control unit" encased within the headset housing, and having a receiver antenna **(12)** for receiving audio signals from the audio transmitter **(4)**; and the remote control unit receiver having an audio output speaker (see earpieces **20**) for conveying sounds from the electronic equipment to at least one individual.

Given a narrower interpretation, Lansing does not specifically teach that the remote control unit is housed in a box-like "case". In the "**Abstract**" section, and in **column 1, lines 14-17**, Ohara teaches that a remote control unit receiver may be

Art Unit: 2643

disposed within a box-like encasement **or** may be provided with earphones. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Lansang and Ohara, substituting a box-like encasement for the earphone encasement of Lansang, in situations where disturbing others, or hearing impairment is not an immediate concern (see Ohara for further discussion of motivation to substitute one housing for another).

Regarding claim 2, Lansang inherently teaches that the audio input port (see wire connection in **figure 2**) electrically connects the audio transmitter **4** to the electronic equipment **2** so that audio transmissions can be sent.

Regarding claim 3, the U-shaped head band on the earphone device **10**, is interpreted as providing a "bridging member".

Regarding claim 8, discussed in the rejection of claim 1, above, the battery component **30** is, at least in part, interpreted as reading on the "remote control unit". Shown in **figures 1 and 4**, Lansang teaches a battery compartment and its' cover, which reads on "a spacer bracket", the battery compartment and its' cover being disposed within the remote control unit hold and mountable there to", for receiving the batteries, which reads on "in order to hold non-standard sized remote control units within the hold."

Regarding claim 9, In **figure 4**, Lansang teaches a channel select switch **14**, providing at least two channels of operation.

Regarding claim 10, in **figure 2**, Lansang teaches an audio transmitter and remote receiver apparatus for transmitting audio signals produced by electronic

Art Unit: 2643

equipment to a location removed from the electronic equipment, comprising: an audio transmitter **(4)** for disposition adjacent electronic equipment **(2)**; Lansang illustrates a wired connection between the transmitter device **(4)** and television **(2)** such that audio transmissions can be sent from the electronic equipment to the audio transmitter; and an audio transmitter antenna; Shown in **figure 1**, Lansang teaches a headset **10**, which reads on "an audio receiver remote control unit", the housing of which has been broadly interpreted as providing a "storage case"; the internal electronics such as volume controls **16**, channel selectors **14**, battery **30**, and entertainment selector **22**, all cooperate to provide circuitry for remotely controlling the electronics device **2**, thereby reading on "a remote control unit" encased within the headset housing; and having a receiver antenna **(12)** for detecting audio signals sent from the transmitter **4**; the remote control unit receiver **10** having an audio output speaker (see earpieces **20**) for conveying sounds from the electronic equipment **2** to at least one individual.

Lansang does not clearly teach that the wired connection between the electronic device **2** and the transmitter **4**, comprises an audio input jack. However, the Examiner takes Official Notice that audio input jacks are well known in the art and it would have been obvious to provide either end of the wired connection of Lansang with an audio input jack, for the purpose of providing a releasable electrical connection between the television **2** and the auxiliary transmitter device **4**.

As discussed in the rejection of claim 1, above, and given a narrower interpretation, Lansing does not clearly teach a box-like "storage case for the remote receiver. In the "**Abstract**" section, as well as in **column 1, lines 14-17**, Ohara teaches

Art Unit: 2643

that a remote control unit receiver may be disposed within a box-like encasement or may be provided with earphones. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Lansang and Ohara, substituting a box-like encasement for the earphone encasement of Lansang, in situations where disturbing others, or hearing impairment is not an immediate concern (see Ohara for further discussion of motivation to substitute one housing for another).

Regarding claim 11, the combination of Lansang and Ohara does not clearly teach an audio detection portal for receiving audio transmissions without a direct electrical connection. However, it would have been obvious for one of ordinary skill in the art at the time of the invention to provide the audio transmitter of Lansang with a wireless means for receiving audio transmissions from the electronic device, thereby not restricting the placement of the audio transmitter to a tethered location.

Regarding claim 12, In **figure 4**, Lansang teaches a channel select switch **14**, providing at least two channels of operation.

Regarding claim 16, discussed in the rejection of claim 1, above, the battery component **30** is, at least in part, interpreted as reading on the "remote control unit". Shown in **figures 1 and 4**, Lansang teaches a battery compartment and its' cover, which reads on "a spacer bracket", the battery compartment and its' cover being disposed within the remote control unit hold and mountable there to", for receiving the batteries, which reads on "in order to hold non-standard sized remote control units within the hold."

Art Unit: 2643

4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lansang (US 5,794,127)** in view of **Ohara (US 5,189,517)** as applied to claim 3 above, and further in view of **Abe (US 5,095,382)**.

Regarding claim 4, The combination of Lansang and Ohara does not clearly teach that the transmitter includes a pair of spaced-apart battery recharge poles located on a first upper side for electrically energizing the remote receiver, or that the bridging member includes a pair of spaced-apart battery recharge contacts which are engageable by the battery recharge poles when the bridging portion is seated on the transmitter cradle portion.

In figure 1, Abe teaches an audio transmitter **1** for transmitting audio signals from an audio source to a receiver, the transmitter comprising a pair of spaced-apart battery recharge poles **7a, 7b** located on a first upper side of the transmitter for electrically energizing the remote receiver **2**; and the remote receiver comprising a bridging member **21** including a pair of battery recharge contacts **24a, 24b** that are engageable by the battery recharge poles **7a, 7b** of the transmitter, when the bridging member is placed in a cradle portion **6** of the transmitter. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Lansang, Ohara and Abe, constructing the remote control transmitter/receiver device of Lansang such that it includes a means for recharging the power source within the remote receiver, thus enabling recharging of the remote receiver power source.

Art Unit: 2643

Regarding claim 5, **in figure 5**, Abe teaches that the transmitter includes a cradle portion **6** shaped to receive the bridging member **21** so that the bridging member can be selectively engaged to the transmitter cradle portion, as claimed.

Allowable Subject Matter

Claims 17-20 are allowed.

Claims 6-7 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne N Harvey whose telephone number is 703-305-1111. The examiner can normally be reached on 9-6:30 M-F and alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dionne Harvey



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